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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,249	04/25/2001	Kazuo Kuroda	Q64260	5288

7590	07/05/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS	
2100 Pennsylvania Avenue, N.W.	
Washington, DC 20037	

EXAMINER	
DINH, MINH	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
07/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/841,249	Applicant(s) KURODA ET AL.	
	Examiner Minh Dinh	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 and 33-41 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 25-31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the RCE/amendment filed 3/27/07.
Claims 25-26, 28, 31, 33-34, 37 have been amended; claims 32 have been cancelled; claims 40-41 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 25-39 have been considered but are not persuasive. Applicant's amendments have necessitated new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-31 and 33-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (EP 0 802 527 A1) in view of Bell ("The Dynamic Digital Disk).

Regarding claim 31, which is representative of claims 25-28, 34-35, 37-38 and 40-41, Oshima discloses an apparatus for distributing encrypted record information to a recordable information recording medium, the recordable information recording medium comprising a record information recording area for recording distributed and encrypted record information, and an encryption key recording area in which the encryption key has already been recorded before the record information is recorded, the apparatus comprising:

- a generating device for generating an encryption key, the encryption key being equal to the encryption key which has already been recorded before the record information is recorded (figures 1 and 10; col. 11, lines 22-49);

- an encrypting device which encrypts the record information (fig. 10);
- and

- a distributing device which distributes the encrypted record information to an information recording apparatus through a telecommunications line, wherein the information recording apparatus records the encrypted record information in the recordable information recording medium, wherein the recordable information recording medium is a recordable DVD disc (i.e., a DVD-RAM disc) (fig. 10).

Oshima does not disclose using CSS (Content Scrambling System) for encryption and that the record information is encrypted based on the CSS in conformity with DVD-Video standard. Bell discloses that the DVD-Video specification, which offers many features, is used by all major studios (p. 30, left column, 3rd full paragraph – 5th paragraph) and that CSS scheme, in which a content encryption key is encrypted before being recorded in the lead-in area of a disk, is used as the encryption method for motion pictures in accordance with the DVD-Video specification (p. 32, left column, 3rd full paragraph; middle column, 2nd full paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oshima apparatus to use the popular DVD-Video specification and its designated encryption method, the CSS, as taught by Bell, for compatibility purpose.

Bell further discloses that the content encryption key is associated with the content; therefore, the content encryption key is common to every recording media recorded with the same content.

Claim 33 differs from claim 31 in that the content encryption key is different for each manufacture. Bell further discloses that the content encryption key is different for each studio/manufacture (p. 32, middle column, 2nd full paragraph). Claims 29-30, 36 and 39 are rejected on the same basis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/841,249
Art Unit: 2132

Page 6

/MD/
Minh Dinh
Examiner
Art Unit 2132

6/27/07


Benjamin E. Linder
Examiner AU 2132